

# CONSTITUTION OF THE STATE OF MICHIGAN OF 1908

[Effective January 1, 1909]

## PREAMBLE

### **Preamble.**

We, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this constitution.

## ARTICLE 1

### BOUNDARIES AND SEAT OF GOVERNMENT

### **Boundaries.**

Sec. 1. The State of Michigan consists of and has jurisdiction over the territory embraced within the following boundaries, to wit: Commencing at a point on the eastern boundary line of the state of Indiana, where a direct line drawn from the southern extremity of Lake Michigan to the most northerly cape of Maumee Bay shall intersect the same--said point being the northwest point of the state of Ohio, as established by act of congress, entitled "An act to establish the northern boundary line of the state of Ohio, and to provide for the admission of the state of Michigan into the Union upon the conditions therein expressed," approved June fifteenth, 1836; thence with the said boundary line of the state of Ohio, until it intersects the boundary line between the United States and Canada through the Detroit River, Lake Huron and Lake Superior to a point where the said line last touches Lake Superior; thence in a direct line through Lake Superior to the mouth of the Montreal River; thence through the middle of the main channel of the westerly branch of the Montreal River to Island Lake, the head waters thereof; thence in a direct line to the center of the channel between Middle and South Island in the Lake of The Desert; thence in a direct line to the southern shore and down the River Brule to the main channel of the Menominee River; thence down the center of the main channel of the same to the center of the most usual ship channel of the Green Bay of Lake Michigan; thence through the middle of Lake Michigan to the northern boundary of the state of Indiana to the northeast corner thereof; and thence south with the eastern boundary line of Indiana to the place of beginning.

### **Seat of government.**

Sec. 2. The seat of government shall be at Lansing, where it is now established.

## ARTICLE II

### DECLARATION OF RIGHTS

### **Political power.**

Sec. 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

### **Right of assembly and petition.**

Sec. 2. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the legislature for redress of grievances.

### **Freedom of worship; disabilities.**

Sec. 3. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

### **Liberty of speech and press.**

Sec. 4. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of such right; and no law shall be passed to restrain or abridge the liberty of speech or of the press.

### **Right to bear arms.**

Sec. 5. Every person has a right to bear arms for the defense of himself and the state.

**Civil power supreme.**

Sec. 6. The military shall in all cases and at all times be in strict subordination to the civil power.

**Quartering of soldiers.**

Sec. 7. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

**Slavery prohibited.**

Sec. 8. Neither slavery nor involuntary servitude, unless for the punishment of crime shall ever be tolerated in this state.

**Attainder; ex post facto laws; impairment of contracts.**

Sec. 9. No bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed.

**Searches and seizures.**

Sec. 10. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation: Provided, however, That the provisions of this section shall not be construed to bar from evidence in any court of criminal jurisdiction, or in any criminal proceeding held before any magistrate or justice of the peace, any narcotic drug or drugs, any firearm, rifle, pistol, revolver, automatic pistol, machine gun, bomb, bomb shell, explosive, blackjack, slingshot, billy, metallic knuckles, gas-ejecting device, or any other dangerous weapon or thing, seized by any peace officer outside the curtilage of any dwelling house in this state.

**Habeas corpus.**

Sec. 11. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

**Appearance in person or by counsel.**

Sec. 12. Any suitor in any court of this state shall have the right to prosecute or defend his suit; either in his own proper person or by an attorney or agent of his choice.

**Jury trial.**

Sec. 13. The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases unless demanded by one of the parties in such manner as shall be prescribed by law.

**Former jeopardy; bailable offenses.**

Sec. 14. No person, after acquittal upon the merits, shall be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

**Bail; fines; punishment; detention of witnesses.**

Sec. 15. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

**Self-incrimination; due process of law.**

Sec. 16. No person shall be compelled in any criminal case to be witness against himself, nor be deprived of life, liberty or property, without due process of law.

**Competency of witnesses.**

Sec. 17. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

**Libels; truth as defense.**

Sec. 18. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it shall appear to the jury that the matter charged as libelous is true and was published with good motives for justifiable ends, the accused shall be acquitted.

### **Rights of accused.**

Sec. 19. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 men in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; and in courts of record, when the trial court shall so order; to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

### **Imprisonment for debt or military fine.**

Sec. 20. No person shall be imprisoned for debt arising out of, or founded on a contract, express or implied, except in cases of fraud or breach of trust, nor of moneys collected by public officers or in any professional employment. No person shall be imprisoned for military fine in time of peace.

### **Treason; definition, evidence.**

Sec. 21. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of 2 witnesses to the same overt act, or on confession in open court.

### **Subversion; definition; rights not valid as defense.**

Sec. 22. Subversion shall consist of any act, or advocacy of any act, intended to overthrow the form of government of the United States or the form of government of this state, as established by the constitution and as guaranteed by section 4 of article 4 of the constitution of the United States of America, by force or violence or by any unlawful means.

Subversion is declared to be a crime against the state, punishable by any penalty provided by law.

Subversion shall constitute an abuse of the rights secured by section 4 of this article, and the rights secured thereby shall not be valid as a defense in any trial for subversion.

## ARTICLE III

### ELECTIVE FRANCHISE

#### **Qualifications; absentees; sex.**

Sec. 1. In all elections every inhabitant of this state being a citizen of the United States; and every inhabitant of Indian descent, a native of the United States, shall be an elector and entitled to vote; but no one shall be an elector and entitled to vote at any election, unless he or she shall be above the age of 21 years and has resided in this state 6 months, and in the city or township in which he or she offers to vote 30 days next preceding such election: Provided, That a registered qualified elector who shall move into another city or township in which registered and from which he has last removed on filing a sworn affidavit to that effect with the election board of the city or township from which he has last removed: Provided further, That no qualified elector in the actual military service of the United States or of this state or in the army or navy thereof, or any student while in attendance at any institution of learning, or any person engaged in teaching in the public schools of this state, or any regularly enrolled member of any citizens' military or naval training camp, held under the authority of the government of the United States or the state of Michigan, or any member of the legislature while in attendance at any session of the legislature, or said member's immediate family during such time, or commercial traveler, or any qualified elector employed upon or in the operation of railroad trains in this state, or any sailor engaged and employed on the great lakes or in coastwise trade, shall be deprived of a vote by reason of absence from the township, ward or state in which he or she resides; and the legislature shall provide by law the manner in which and the time and place at which such absent electors may vote and for the canvass and return of their votes: Provided further, That the legislature shall have power to pass laws covering qualified electors who may be necessarily absent from other causes than above specified: And provided further, That there shall be no denial of the elective franchise at any election on account of sex: And provided further, That the legislature may provide by law that the electors of a township may cast their ballots at a township polling place located within the limits of a city which has been incorporated from territory formerly a part of the township.

#### **Same; residence.**

Sec. 2. No elector shall be deemed to have gained or lost a residence by reason of his being employed in the service of the United States or of this state, nor while engaged in the navigation of the waters of this state or of the United States or of the high seas, nor while a student at any institution of learning, nor while kept at any almshouse or other asylum at public expense, nor while confined in any public prison; except that honorably discharged soldiers, seamen and marines who have served in the military or naval forces of the United States or of this state and who reside in soldiers' homes established by this state may acquire a residence where such home is located.

#### **Soldiers, seamen and marines not residents.**

Sec. 3. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed in any military or naval place within the state.

**Elections as to direct expenditures or bond issues.**

Sec. 4. Whenever any question is submitted to a vote of the electors which involves the direct expenditure of public money or the issue of bonds, only such persons having the qualifications of electors who have property assessed for taxes in any part of the district or territory to be affected by the result of such election or the lawful husbands or wives of such persons shall be entitled to vote thereon.

**Elector; privilege from arrest.**

Sec. 5. Every elector in all cases, except for treason, felony or breach of the peace, shall be privileged from arrest during his attendance at elections and in going to and returning from the same.

**Same; military or judicial duty.**

Sec. 6. No elector shall be obliged to do militia duty on the day of election, except in time of war or public danger, or to attend court as a suitor or witness.

**Votes to be by ballot.**

Sec. 7. All votes shall be given by ballot, except for such township officers as may be authorized by law to be otherwise chosen.

**Purity of elections; recall.**

Sec. 8. Laws shall be passed to preserve the purity of elections and guard against abuses of the elective franchise, and to provide for the recall of all elective officers, except judges of courts of record and courts of like jurisdiction upon petition of 25 per centum of the number of electors who voted at the preceding election for the office of governor in their respective electoral districts.

**Board of state canvassers.**

Sec. 9. A board of state canvassers consisting of 4 members shall be established by law. No candidate for an office to be canvassed by the board shall be eligible to serve as a member of said board. A majority of the board shall not be composed of adherents of the same political party.

ARTICLE IV

DIVISION OF THE POWERS OF GOVERNMENT

**Departments of government.**

Sec. 1. The powers of government are divided into 3 departments: The legislative, executive and judicial.

**Limitations of power of officers.**

Sec. 2. No person belonging to 1 department shall exercise the powers properly belonging to another, except in the cases expressly provided in this constitution.

ARTICLE V

LEGISLATIVE DEPARTMENT

**Legislative power; initiative; referendum.**

Sec. 1. The legislative power of the state of Michigan is vested in a senate and house of representatives; but the people reserve to themselves the power to propose legislative measures, resolutions and laws; to enact or reject the same at the polls independently of the legislature; and to approve or reject at the polls any act passed by the legislature, except acts making appropriations for state institutions and to meet deficiencies in state funds. The first power reserved by the people is the initiative. Qualified and registered electors of the state equal in number to at least 8 per cent of the total vote cast for all candidates for governor, at the last preceding general election at which a governor was elected, shall be required to propose any measure by petition: Provided, That no law shall be enacted by the initiative that could not under this constitution be enacted by the legislature. Initiative petition shall set forth in full the proposed measure, and shall be filed with the secretary of state or such other person or persons as may hereafter be authorized by law to receive same not less than 10 days before the commencement of any session of the legislature. Every petition shall be certified to as herein provided as having been signed by the required number of qualified and registered electors, and may, in determining the validity thereof, cause any doubtful signatures to be checked against the registration records by the clerk of any political subdivision in which said petitions were circulated, for properly

determining the authenticity of such signatures. If the same has been so signed, the secretary of state or other person or persons hereafter authorized by law to receive and canvass same determines that the petition is legal and in proper form and has been signed by the required number of qualified and registered electors, such petition shall be transmitted to the legislature as soon as it convenes and organizes. The law proposed by such petition shall be either enacted or rejected by the legislature without change or amendment within 40 days from the time such petition is received by the legislature.

If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided. If any law so petitioned for be rejected, or if no action is taken upon it by the legislature within said 40 days, the secretary of state or such other person or persons hereafter authorized by law shall submit such proposed law to the people for approval or rejection at the next ensuing general election. The legislature may reject any measure so proposed by initiative petition and propose a different measure upon the same subject by a yea and nay vote upon separate roll calls, and in such event both measures shall be submitted by the secretary of state or such other person or persons hereafter authorized by law to the electors for approval or rejection at the next ensuing general election. All said initiative petitions last above described shall have printed thereon in 12 point black face type the following: "Initiative measure to be presented to the legislature."

The legislature may prescribe penalties for causing or aiding and abetting in causing any fictitious or forged name to be affixed to any initiative or referendum petition bearing fictitious or forged names to be circulated.

The second power reserved to the people is the referendum. No act passed by the legislature shall go into effect until 90 days after the final adjournment of the session of the legislature which passed such act, except such acts making appropriations and such acts immediately necessary of the preservation of the public peace, health or safety, as have been given immediate effect by action of the legislature. Upon presentation to the secretary of state or such other person or persons hereafter authorized by law, within 90 days after the final adjournment of the legislature, of a petition certified to as herein provided, as having been signed by qualified and registered electors equal in number to 5 per cent of the total vote cast for all candidates for governor at the last election at which a governor was elected, asking that any act, section or part of any act of the legislature be submitted to the electors for approval or rejection, the secretary of state or other person or persons hereafter authorized by law, shall canvass said petition to ascertain if the same is signed by the requisite number of qualified and registered electors may, in determining the validity thereof, cause any doubtful signatures to be which said petitions were circulated, for properly determining the authenticity of such signatures. If the secretary of state or such other person or persons hereafter authorized by law to receive and canvass the same determines that the petition is legal and in proper form and has been signed by the required number of qualified and registered electors, he shall then submit to the electors for approval or rejection such act or section or part of any act at the next succeeding general election; and no such act shall go into effect until and unless approved by a majority of the qualified and registered electors voting thereon. An official declaration of the sufficiency or insufficiency of the petition shall be made by the secretary of state or such other person or persons as shall hereafter be authorized at least 2 months prior to such election.

Any act submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote by the secretary of state. No act initiated or adopted by the people, shall be subject to the veto power of the governor, and no act adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in said initiative measure, but the legislature may propose such amendments, alterations or repeals to the people. Acts adopted by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof: Provided, however, If 2 or more measures approved by the electors at the same election conflict, the measure receiving the highest affirmative vote shall prevail. The text of all measures to be submitted shall be published as constitutional amendments are required by law to be published.

Any initiative or referendum petition may be presented in sections, each section containing a full and correct copy of the title and text of the proposed measure. Each signer thereto shall add to his signature, his place of residence, street names and also residence numbers in cities and villages having street numbers, and date of signing the same. Any qualified and registered elector of the state shall be competent to solicit such signatures within the county or city in which it is circulated, and only qualified and registered electors of such county or city shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, who shall be required to identify himself by affixing his address below his signature, stating that he is a qualified and registered elector and that all the signatures to the attached section were made in his presence, that each signature to the section is the genuine signature of the person signing the same, and no other affidavit thereto shall be required.

Each section of the petition shall be filed with the clerk of the county in which it was circulated, but all said sections circulated in any county shall be filed at the same time. Within 20 days after the filing of such petition in his office, the said clerk shall forward said petition to the secretary of state or such other person or persons as shall hereafter be authorized by law.

#### **Senators; number; term; districts.**

Sec. 2. The senate shall consist of 34 members. Senators shall be elected for 2 years and by single districts. Such districts shall be numbered from 1 to 34, inclusive, and shall consist of the territory within the boundary lines of the counties existing at the time of the adoption of this amendment, as follows: First through fifth, eighteenth, twenty-first, Wayne county; nineteenth, Lenawee and Monroe counties; tenth, Jackson and Hillsdale counties; ninth, Calhoun and Branch counties; sixth Kalamazoo and St. Joseph counties; seventh,

Cass and Berrien counties; eighth, Van Buren, Allegan and Barry counties; fourteenth, Ingham and Livingston counties; twelfth, Oakland county; eleventh, county; fifteenth, Clinton, Shiawassee and Eaton counties; sixteenth and seventeenth, Kent county; twenty-third, Muskegon and Ottawa counties; twenty-fifth, Mecosta, Montcalm, Gratiot and Ionia counties; twenty-second, Saginaw county; twenty-fourth, Bay, Midland and Isabella counties; twenty-sixth, Newaygo, Oceana, Mason, Lake and Manistee counties; twenty-eighth, Osceola, Clare, Gladwin, Arenac, Iosco, Ogemaw, Roscommon, Crawford, Oscoda and Alcona counties; twenty-seventh, Missaukee, Wexford, Benzie, Grand Traverse, Kalkaska, Leelanau and Antrim counties; twenty-ninth, Charlevoix, Emmet, Cheboygan, Otsego, Montmorency, Alpena and Presque Isle counties; thirtieth, Chippewa, Mackinac, Luce, Schoolcraft, Alger, Menominee and Delta counties; thirty-first, Marquette, Dickinson, Iron and Gogebic counties; thirty-second, Baraga, Keweenaw, Houghton and Ontonagon counties; thirty-third Washtenaw county; thirty-fourth, Lapeer and Saint Clair counties. Each of the 34 districts shall elect 1 senator. Counties entitled to 2 or more senators shall be divided into senatorial districts as herein provided equal to the number of senators to be elected; said districts shall contain as nearly as may be an equal number of inhabitants and shall consist of convenient and contiguous territory; and said districts shall be arranged during the year 1953, by the board of supervisors in such counties assembled at such time and place as prescribed by law.

#### **Representatives; number, term; districts.**

Sec. 3. The house of representatives shall consist of not more than 110 members. Representatives shall be chosen for 2 years and by single districts except as otherwise provided herein, which shall contain as nearly as may be an equal number of inhabitants and shall consist of convenient and contiguous territory. The ratio of representation for representative districts shall be the quotient obtained by dividing the total population of the state as determined by the latest or each succeeding official federal decennial census by 100. Each county, or group of counties forming a representative district shall be entitled to a separate representative when it has attained a population equal to 50 per cent of the ratio of representation, and in addition thereto, shall be entitled to 1 additional representative for each additional full ratio of representation. In every county entitled to more than 1 representative, the board of supervisors shall assemble at such time and place as shall be prescribed by law, divide the same into representative districts, which shall contain as nearly as may be an equal number of inhabitants and shall consist of convenient and contiguous territory, equal to the number of representatives which such county is entitled by law, and shall cause to be filed in the offices of the secretary of state and clerk of such county a description of such representative districts, specifying the number of each district and the population thereof according to the latest or each succeeding official federal decennial census: Provided, That no township or city shall be divided in the formation of a representative district, except that when a city is composed of territory in more than 1 county, it may be divided at the county line or lines: Provided further, That in the case of cities hereafter organized or created or territory annexed to an existing city, the territory thereof shall remain in its present representative district until the next apportionment: And provided further, That when any township or city contains a population which entitles it to more than 1 representative, then such township or city shall elect by general ticket the number of representatives to which it is entitled; except that when such city shall be divided into representative districts containing as near as may be an equal number of inhabitants and consisting of convenient and contiguous territory, but with not less than 2 nor more than 3 representatives in any 1 district: Provided, That the average number of inhabitants per representative in such districts shall be as nearly equal as possible.

#### **Legislatures; apportionment.**

Sec. 4. Within the first 180 days after the convening of the first regular session, or after the convening of any special session called for that purpose, following January 1, 1953, and each tenth year thereafter, the legislature shall apportion anew the representatives among the counties and districts in accordance with section 3 of this article, using as the basis for such apportionment the last United States decennial census of this state: Provided, however, That should the legislature within the first 180 days after the convening of the first regular session, or after the convening of any special session called for that purpose, following January 1, 1953, and each tenth year thereafter, fail to apportion anew the representatives in accordance with the mandate of this article, the board of state canvassers, within 90 days after the expiration of said 180 days, shall apportion anew such districts in accordance with the provisions of this article and such apportionment shall be effective for the next succeeding Fall elections.

#### **Same; qualifications, effect of removal from district.**

Sec. 5. Each senator and representative shall be a citizen of the United States, at least 21 years of age, and a qualified elector of the district he represents, and his removal from the district shall be deemed a vacation of the office. No person who has been convicted of subversion or of a felony involving a breach of the public trust shall be eligible for either house of the legislature.

#### **Same; eligibility of certain persons to office.**

Sec. 6. No person holding any office under the United States or this state or any county office, except notaries public, officers of the militia and officers elected by townships shall be eligible to or have a seat in either house of the legislature; and all votes given for any such person shall be void.

#### **Same; eligibility to other office; interest in contracts.**

Sec. 7. No person elected a member of the legislature shall receive any civil appointment within this state or to the senate of the United States from the governor, except notaries public, or from the governor and senate, from the legislature, or any other state authority, during the term for which he is elected. All such appointments and all votes given for any person so elected for any such office or appointment

shall be void. No member of the legislature shall be interested directly or indirectly in any contract with the state or any county thereof, authorized by any law passed during the time for which he is elected, nor for 1 year thereafter.

**Same; privileges.**

Sec. 8. Senators and representatives shall in all cases, except for treason, felony or breach of the peace, be privileged from arrest during sessions of the legislature and for 15 days next before the commencement and after the termination thereof. They shall not be subject to any civil process during the same period. They shall not be questioned in any other place for any speech in either house.

**Same; compensation, mileage; right to publications.**

Sec. 9. The compensation and expenses of the members of the legislature shall be determined by law: Provided, That no change in compensation or expenses shall be effective during the term of office for which the legislature making the change was elected. Each member shall be entitled to 1 copy of the laws, journals and documents of the legislature of which he is a member, but shall not receive, at the expense of the state, books, newspapers or perquisites of the office not expressly authorized by this constitution.

**Compensation of president and speaker.**

Sec. 11. In case of a contested election, compensation and mileage shall be paid only to the person declared to be entitled to a seat by the house in which the contest takes place.

**Election of legislators; time.**

Sec. 12. The election of senators and representatives, pursuant to the provisions of this constitution, shall be held on the Tuesday succeeding the first Monday of November, 1910 and on the Tuesday succeeding the first Monday of November of every second year thereafter.

**Meeting of legislature; adjournment.**

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year and at no other place or time unless as provided in this constitution; and each such annual regular session shall adjourn without day, at such time as shall be determined by concurrent resolution, at 12 o'clock noon. No motion, bill or resolution pending in one session of any term shall carry over into a later regular session.

**Senate and house; quorums.**

Sec. 14. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

**Same; powers.**

Sec. 15. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected from discharging a committee from the further consideration of any measure. Each house shall judge of the qualifications, elections and returns of its members, and may, with the concurrence of 2/3 of all the members elected, expel a member. The reasons for such expulsion shall be entered upon the journal, with the names of the members voting on the question. No member shall be expelled a second time for the same cause.

**Same; journals; right of member to protest.**

Sec. 16. Each house shall keep a journal of its proceedings and publish the same, except such parts as may require secrecy. The yeas and nays of the members of either house on any question shall be entered on the journal at the request of 1/5 of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he may deem injurious to any person or the public, and have the reason for his dissent entered on the journal.

**Same; elections viva voce.**

Sec. 17. In all elections by either house or in joint convention the votes shall be given viva voce. All votes on nominations to the senate shall be taken by yeas and nays and published with the journal of its proceedings.

**Same; meetings open to public; adjournment.**

Sec. 18. The doors of each house shall be open unless the public welfare requires secrecy. Neither house shall, without the consent of the other, adjourn for more than 3 days, nor to any other place where the legislature may then be in session.

**Bills.**

Sec. 19. All legislation by the legislature shall be by bill and may originate in either house of the legislature.

**Style of laws.**

Sec. 20. The style of the laws shall be: "The people of the State of Michigan enact."

**Laws; object and title, revision, amendment, effective date.**

Sec. 21. No law shall embrace more than 1 object, which shall be expressed in its title. No law shall be revised, altered, or amended by reference to its title only; but the act revised and the section or sections of the act altered or amended shall be reenacted and published at length. No act shall take effect or be in force until the expiration of 90 days from the end of the session at which the same is passed, except that the legislature may give immediate effect to acts making appropriations and acts immediately necessary for the preservation of the public peace, health or safety by a 2/3 vote of the members elected to each house.

**Bills; printing; subject matter at special session; amendment.**

Sec. 22. No bill shall be passed or become a law at any regular session of the legislature until it has been printed and in the possession of each house for at least 5 days. No bill shall be passed at a special session of the legislature on any other subjects than those expressly stated in the governor's proclamation or submitted by special message. No bill shall be altered or amended on its passage through either house so as to change its original purpose.

**Same; reading, passage, vote.**

Sec. 23. Every bill shall be read 3 times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of all the members elected to each house. On the final passage of all bills, the vote shall be by yeas and nays and entered on the journal.

**Appropriations of local or private purposes.**

Sec. 24. The assent of 2/3 of the members elected to each house of the legislature shall be requisite to every bill appropriating the public money or property for local or private purposes.

**State contracts; printing; interest of state officer.**

Sec. 25. Fuel, stationery, blanks, printing and binding for the uses of the state shall be furnished under contract or contracts with the lowest bidder or bidders who shall give adequate and satisfactory security for the performance thereof. The legislature shall prescribe by law the manner in which the state printing shall be executed and the accounts rendered therefor; and shall prohibit all charges for constructive labor. It shall not rescind nor alter such contract, nor release the person or persons taking the same or his or their sureties from the performance of any of the conditions of the contract. No member of the legislature nor officer of the state shall be interested directly or indirectly in any such contract.

**Chaplain for prisons; appropriation for religious services.**

Sec. 26. The legislature may authorize the employment of a chaplain for each of the state prisons; but no money shall be appropriated for the payment of any religious services in either house of the legislature.

**Trial by jury.**

Sec. 27. The legislature may authorize a trial by a jury of a less number than 12 men.

**Indeterminate sentences.**

Sec. 28. The legislature may provide by law for indeterminate sentences, so called, as a punishment for crime, on conviction thereof, and for the detention and release of persons imprisoned or detained on said sentences.

**Regulation of employment.**

Sec. 29. The legislature shall have power to enact law relative to the hours and conditions under which men, women and children may be employed.

**Local or special acts; referendum.**

Sec. 30. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act, excepting acts repealing local or special acts in effect January

1, 1909 and receiving a 2/3 vote of the legislature shall take effect until approved by a majority of the electors voting thereon in the district to be affected.

**Sale of real estate.**

Sec. 31. The legislature shall not authorize by private or special law the sale or conveyance of any real estate belonging to any person.

**Divorces.**

Sec. 32. Divorces shall not be granted by the legislature.

**Lotteries.**

Sec. 33. The legislature shall not authorize any lottery nor permit the sale of lottery tickets.

**Private claims.**

Sec. 34. The legislature shall not audit nor allow any private claim or account.

**State paper.**

Sec. 35. The legislature shall not establish a state paper.

**Bills passed; approval by governor, veto, reconsideration by legislature.**

Sec. 36. Every bill passed by the legislature shall be presented to the governor before it becomes a law. If he approve, he shall sign it; if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon its journal and reconsider it. On such reconsideration, if 2/3 of the members elected agree to pass the bill, it shall be sent with the objections to the other house, by which it shall be reconsidered. If approved by 2/3 of the members elected to that house, it shall become a law. In such case the vote of both houses shall be determined by yeas and nays and the names of the members voting for and against the bill shall be entered on the journals of each house, respectively. If any bill be not returned by the governor within 10 days, Sundays excepted, after it has been presented to him, it shall become a law in like manner as if he had signed it, unless the legislature, by adjournment, prevents its return, in which case it shall not become a law. The governor may approve, sign and file in the office of the secretary of state within 5 days of the session, and the same shall become a law.

**Appropriation bills; power of governor.**

Sec. 37. The governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items; and the part or parts approved shall be the law; and the item or items disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

**Referendum on certain bills.**

Sec. 38. Any bill passed by the legislature and approved by the governor, except appropriation bills, may be referred by the legislature to the qualified electors; and no bill so referred shall become a law unless approved by a majority of the electors voting thereon.

**Publication of statutes and decisions.**

Sec. 39. All laws enacted at any session of the legislature shall be published in book form within 60 days after the final adjournment of the session, and shall be distributed in such manner as shall be provided by law. The speedy publication of such judicial decisions as may be deemed expedient shall be free for publication by any person.

**Revision of laws; compilation.**

Sec. 40. The legislature shall provide by law for the general revision of the statutes at such item and in such manner as it shall determine.

ARTICLE VI

EXECUTIVE DEPARTMENT

**State officers; election, term duties.**

Sec. 1. There shall be elected at each general biennial election a governor, a lieutenant governor, a secretary of state, a state treasurer, a commissioner of the state land office, and auditor general and an attorney general, for the term of 2 years. They shall keep their offices at

the seat of government, superintend them in person and perform such duties as may be prescribed by law. The office of commissioner of the state land office may be abolished by law.

**Executive power.**

Sec. 2. The chief executive power is vested in the governor.

**Powers and duties of governor, execution of laws, information from state officers.**

Sec. 3. The governor shall take care that the laws be faithfully executed; shall transact all necessary business with the officers of government; and may require information in writing from all executive and administrative state officers, elective and appointive upon any subject relating to the duties of their respective offices.

**Same; military powers.**

Sec. 4. He shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws, to suppress insurrection and to repel invasion.

**Same; messages.**

Sec. 5. He shall communicate by message to the legislature, and at the close of his official term to the incoming legislature, the condition of the state, and recommend such measures as he may deem expedient.

**Same; writs of election.**

Sec. 6. He shall issue writs of election to fill such vacancies as occur in the senate or house of representatives.

**Same; extra session of legislature.**

Sec. 7. He may convene the legislature on extraordinary occasions.

**Same; convening legislature elsewhere than capitol.**

Sec. 8. He may convene the legislature at some other place when the seat of government becomes dangerous from disease or a common enemy.

**Same; reprieves and pardons.**

Sec. 9. He may grant reprieves, commutations and pardons after convictions for all offenses, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to regulations provided by law relative to the manner of applying for pardons. Upon conviction for treason, he may suspend the execution of the sentence until the case shall be reported to the legislature at the execution of the sentence or grant a further reprieve. He shall communicate to the legislature at each session information of each case of reprieve, commutation or pardon granted and the reasons therefor.

**Same; vacancies in state office.**

Sec. 10. Whenever a vacancy shall occur in any of the state offices, the governor shall fill the same appointment, by and with the advice and consent of the senate, if in session.

**Great seal.**

Sec. 11. All official acts of the governor, except his approval of the laws, shall be authenticated by the great seal of the state, which shall be kept by the secretary of state.

**Commissions, issuance.**

Sec. 12. All commissions issued to persons holding office under the provisions of this constitution shall be in the name and by the authority of the people of the state of Michigan, sealed with the great seal of the state, signed by the governor and countersigned by the secretary of state.

**Eligibility to office of governor.**

Sec. 13. No person shall be eligible to the office of governor or lieutenant governor who shall not have attained the age of 30 years and who has not been 5 years a citizen of the United States and a resident of the state 2 years next preceding his election.

#### **Ineligibility to office of governor.**

Sec. 14. No member of congress nor any person holding office under the United States or this state shall execute the office of governor, except as provided in this constitution.

#### **Governor or lieutenant governor; eligibility to other office.**

Sec. 15. No person elected governor or lieutenant governor shall be eligible to any office or appointment from the legislature, or either house thereof, during the time for which he was elected. All votes for either of them for any such office shall be void.

#### **Vacancy; lieutenant governor to act; seat of governor-elect.**

Sec. 16. In case of the impeachment of the governor, his removal from office, death, inability, resignation or absence from the state, the powers and duties of the office shall devolve upon the lieutenant governor for the residue of the term or until the disability ceases. When the governor shall be out of the state at the head of a military force thereof, he shall continue commander-in-chief of all the military force of the state.

In case of the death of the governor-elect before taking and subscribing to the constitutional oath of office, or before entering upon the duties of his office, the powers and duties of the office shall devolve upon the lieutenant governor-elect on the commencement of his term of office.

#### **Same; line of succession and order of precedence.**

Sec. 17. After the lieutenant governor, the line of succession and order of precedence of state officers, who shall act as governor, shall be secretary of state, attorney general, state treasurer and auditor general, and during a vacancy in the office of governor, if the lieutenant governor or any state officer or officers in this line of succession die, resign, be impeached, displaced, be incapable of performing the duties of office, or be absent from the state, leaving no state officer prior in the line of succession to fill the office of governor, the state officer next in line of succession shall act as governor during the residue of his term or until the absence or disability giving rise to the succession ceases.

In case of the death of the lieutenant governor-elect or any state officer or officer-elect in this line of succession before taking and subscribing to the constitutional oath of office, or before entering upon the duties of office, leaving no state officer-elect prior in line of succession to fill the office of governor, the powers and duties of the office of governor shall devolve upon the state officer-elect next in line on the commencement of his term of office.

#### **Compensation of acting governor.**

Sec. 18. The lieutenant governor or other state officer in the line of succession, while performing the duties of governor, shall receive the same compensation as the governor.

#### **President of senate.**

Sec. 19. The lieutenant governor shall be president of the senate, but shall have no vote.

#### **Board of the state auditors; state canvassers, escheats, fund commissioners.**

Sec. 20. The secretary of state, state treasurer and such other state officer as shall be designated by the law shall constitute a board of state auditors. They shall examine and adjust all claims against the state not otherwise provided for by general law. They shall act as a state board of escheats and a board of fund commissioners. They shall perform such other duties as may be prescribed by law.

#### **Salaries of state officers.**

Sec. 21. The governor, secretary of state, state treasurer, auditor general, and attorney general shall each receive such compensation as shall be prescribed by law which shall be in full for all services performed and expenses incurred during his term of office: Provided, That the same shall not be changed during the term of office for which elected.

#### **State civil service.**

Sec. 22. The state civil service shall consist of all positions in the state service except those filled by popular election, heads of departments, members of boards and commissions, employees of courts of record, of the legislature, of the higher educational institutions recognized by the state constitution, all persons in the military and naval forces of the state, and not to exceed 2 other exempt positions for each elected administrative officer, and each department, board and commission.

There is hereby created a non-salaried civil service commission to consist of 4 persons, not more than 2 of whom shall be members of the same political party, appointed by the governor for 8-year, overlapping terms, the 4 original appointments to be for 2, 4, 6, and 8 years respectively. This commission shall supersede all existing state personnel agencies and succeed to their appropriations, records, supplies, equipment, and other property.

The commission shall classify all positions in the state civil service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the state civil service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the state civil service. No person shall be appointed to or promoted in the state civil service who has not been certified as so qualified for such appointment or promotion by the commission. No removals from or demotions in the state civil service shall be made for partisan, racial, or religious considerations.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the state civil service and who shall be responsible to and selected by the commission after open competitive examination.

To enable the commission to execute these powers, the legislature shall appropriate for the 6 months' period ending June 30, 1941, a sum of not less than 1/2 of 1 per cent, and for each and every subsequent fiscal year, a sum not less than 1 per cent, of the aggregate annual payroll of the state service for the preceding fiscal year as certified to by the commission.

After August 1, 1941, no payment for personal services shall be made or authorized until the provisions of this amendment have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

This amendment shall take effect on the first day of January following the approval thereof.

## ARTICLE VII

### JUDICIAL DEPARTMENT

#### **Judicial power.**

Sec. 1. The judicial power shall be vested in 1 supreme court, circuit courts, probate courts, justices of the peace and such other courts of civil and criminal jurisdiction, inferior to the supreme court, as the legislature may establish by general law, by a 3/4 vote of the members elected to each house.

#### THE SUPREME COURT

#### **Justices; election, term.**

Sec. 2. The supreme court shall consist of 1 chief justice and associate justices, to be chosen by the electors of the state at the regular biennial spring elections; and not more than 2 justices shall go out of office at the same time. The term of office shall be prescribed by law.

#### **Terms of court.**

Sec. 3. Four terms of the supreme court shall be held annually at such times and places as may be designated by law.

#### **Jurisdiction.**

Sec. 4. The supreme court shall have a general superintending control over all inferior courts; and shall have power to issue writs of error, habeas corpus, mandamus, quo warranto, procendo and other original and remedial writs, and to hear and determine the same. In all other cases it shall have appellate jurisdiction only.

#### **Court rules; law and equity.**

Sec. 5. The supreme court shall by general rules establish, modify and amend the practice in such court and in all other courts of record, and simplify the same. The legislature shall, as far as practicable, abolish distinctions between law and equity proceedings. The office of master in chancery is prohibited.

#### **Appointments; clerk, reporter, crier; fees.**

Sec. 6. The supreme court may appoint and remove its clerk, a reporter of its decisions and a court crier, each of whom shall perform such duties and receive such salary as shall be prescribed by law; and all fees, perquisites and income collected by the clerk shall be turned over by him to the state treasury and credited to the general fund. No justice of the supreme court shall exercise any other power of appointment to public office.

### **Decisions; dissenting opinions.**

Sec. 7. Decisions of the supreme court, including all cases of mandamus, quo warranto and certiorari, shall be in writing, with a concise statement of the facts and reasons for the decisions; and shall be signed by the justices concurring therein. Any justice dissenting from a decision shall give the reasons for such dissent in writing under his signature. All such opinions shall be filed in the office of the clerk of the supreme court.

## CIRCUIT COURTS

### **Judicial circuits; terms; districts.**

Sec. 8. The state shall be divided into judicial circuits in each of which there shall be elected 1 circuit judge. The legislature may provide by law for the election of more than 1 circuit judge in any judicial circuit. A circuit court shall be held at least 4 times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by law. The legislature may by law arrange the various circuits into judicial districts, and provide for the manner of holding courts therein. Circuits and districts may be created, altered or discontinued by law, but no such alteration or discontinuance shall have the effect to remove a judge from office.

### **Judges, elections; term of office; ineligibility.**

Sec. 9. Circuit judges shall be elected on the first Monday in April, 1911, and every sixth year thereafter. They shall hold office for a term of 6 years and until their successors are elected and qualified. They shall be ineligible to any other than a judicial office during the term for which they are elected and for 1 year thereafter.

### **Jurisdiction.**

Sec. 10. Circuit courts shall have original jurisdiction in all matters civil and criminal not excepted in this constitution and not prohibited by law, and appellate jurisdiction from all inferior courts and tribunals and a supervisory control of the same. They shall also have power to issue writs of habeas corpus, mandamus, injunction, quo warranto and certiorari and to hear and determine the same; and to issue such other writs as may be necessary to carry into effect their orders, judgments and decrees and give them general control over inferior courts and tribunals within their respective jurisdictions, and in all such other cases and matters as the supreme court shall by rule prescribe.

### **Clerk; vacancies.**

Sec. 11. The clerk of each county organized for judicial purposes shall be clerk of the circuit court for such county. The judges of the circuit courts may fill any vacancy in the offices of county clerk or prosecuting attorney within their respective jurisdictions, but shall not exercise any other power of appointment to public office.

### **Judges; salary.**

Sec. 12. Each of the judges of the circuit courts shall receive a salary payable monthly. In addition to the salary paid from the state treasury, each circuit judge may receive from any county in which he regularly holds court such additional salary as may be determined from time to time by the board of supervisors of the county. In any county where such additional salary is granted it shall be paid at the same rate to all circuit judges regularly holding court therein.

## PROBATE COURTS

### **Jurisdiction.**

Sec. 13. In each county organized for judicial purposes, there shall be a probate court. The jurisdiction, powers and duties of such courts and of the judges thereof shall be prescribed by law, and they shall also have original jurisdiction in all cases of juvenile delinquents and dependents.

### **Election; term of office.**

Sec. 14. Judges of probate shall be elected in counties in which they reside, and shall hold office for 4 years and until their successors are elected and qualified. They shall be elected on the Tuesday succeeding the first Monday of November, 1912, and every 4 years thereafter. The legislature may provide by law for the election of more than 1 judge of probate in counties with more than 100,000 inhabitants, and may provide for the election of such judges in such counties at alternate biennial elections.

## JUSTICES OF THE PEACE

### **Election; vacancies; justices in cities.**

Sec. 15. There shall be elected in each organized township not to exceed 4 justices of the peace, each of whom shall hold the office for 4 years and until his successor is elected and qualified. At the first election in any township they shall be classified as shall be prescribed by law. A justice elected to fill a vacancy shall hold the office for the residue of the unexpired term. The legislature may provide by law for justices in cities.

#### **Jurisdiction.**

Sec. 16. In civil cases, justices of the peace shall have exclusive jurisdiction to the amount of 100 dollars and concurrent jurisdiction to the amount of 300 dollars, which may be increased to 500 dollars, with such exceptions and restrictions as may be provided by law. They shall also have such criminal jurisdiction and perform such duties as shall be prescribed by law.

### **GENERAL PROVISIONS**

#### **Courts of record; seal; qualifications of justices and judges.**

Sec. 17. The supreme court and the circuit and probate courts of each county shall be courts of record, and shall each have a common seal. Justices of the supreme court and judges of all circuit courts in this state elected or appointed after July 1, 1955, shall at the time of such election or appointment be under 70 years of age and licensed to practice law in this state.

#### **Conservators of the peace.**

Sec. 18. Justices of the supreme court, circuit court judges and justices of the peace shall be conservators of the peace within their respective jurisdictions.

#### **Vacation of office.**

Sec. 19. Whenever a judge shall remove beyond the limits of the jurisdiction for which he was elected, or a justice of the peace from the township in which he was elected, or by a change in the boundaries of such township shall be placed without the same, he shall be deemed to have vacated the office.

#### **Vacancy; appointment of successor.**

Sec. 20. When a vacancy occurs in the office of judge of any court of record, it shall be filled by appointment of the governor, and the person appointed shall hold the office until a successor is elected and qualified. When elected, such successor shall hold the office the residue of the unexpired term.

#### **Circuit court commissioners.**

Sec. 21. The legislature may provide by law for the election of 1 or more persons in each organized county who may be vested with judicial powers not exceeding those of a judge of the circuit court at chambers.

#### **Style of process.**

Sec. 22. The style of all process shall be: "In the Name of the People of the State of Michigan."

#### **Non-partisan elections for judiciary.**

Sec. 23. All primary elections and elections of justices of the supreme court, judges of the circuit court, judges of probate courts and all county judicial officers provided for by the legislature under section 21 of article 7 of the constitution shall be non-partisan and shall be conducted as prescribed by law. All elections at which candidates for said judicial offices are nominated are designated "primary elections." Nominations of justices of the supreme court shall be made as now or hereafter provided by law; nominations for all other said judicial offices shall be made at non-partisan primary elections. Except as in the constitution otherwise provided, all primary elections and election laws, including laws pertaining to partisan primaries and elections, shall, so far as applicable, govern nominating procedures, primary elections and elections hereunder. There shall be printed upon the ballot under the name of each incumbent judicial officer, who is a candidate for nomination or election to the same office, the designation of that office.

### **ARTICLE VIII**

#### **LOCAL GOVERNMENT**

#### **COUNTIES**

#### **Counties; corporate character, suits.**

Sec. 1. Each organized county shall be a body corporate, with such powers and immunities as shall be established by law. All suits and proceedings by or against a county shall be in the name thereof.

#### **Townships in county; city as separate county.**

Sec. 2. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless in pursuance of law a majority of electors voting on the question in each county to be affected thereby shall so decide. When any city has attained a population of 100,000 inhabitants, the legislature may organize it into a separate county without reference to geographical extent, if a majority of the electors of such city and of the remainder of the county in which such city may be situated voting on the question shall determine in favor of organizing said city into a separate county.

#### **County officers.**

Sec. 3. There shall be elected biennially in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be prescribed by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office or separate the same at pleasure.

#### **Offices at county seat.**

Sec. 4. The sheriff, county clerk, county treasurer, judge of probate and register of deeds shall hold their offices at the county seat.

#### **Sheriff; ineligibility for other office; election; term; security; responsibility for acts.**

Sec. 5. The sheriff shall hold no other office. He shall be elected at the general election for the term of 2 years. He may be required by law to renew his security from time to time and in default of giving such security, his office shall be deemed vacant. The county shall never be responsible for his acts.

#### **Jury commissioners.**

Sec. 6. The legislature shall by general law provide for the appointment of a board of jury commissioners in each county; but such law shall not become operative in any county until a majority of the electors of the county voting thereon shall so decide.

#### **Board of supervisors; representation of cities.**

Sec. 7. A board of supervisors, consisting of 1 from each organized township, shall be established in each county, with such powers as shall be prescribed by law. Cities shall have such representation in the board of supervisors of the counties in which they are situated as may be provided by law.

#### **Local legislation.**

Sec. 8. The legislature may by general law confer upon the boards of supervisors of the several counties such powers of a local, legislative and administrative character, not inconsistent with the provisions of this constitution, as it may deem proper.

#### **Salaries; claims against counties; appeals from decisions of board.**

Sec. 9. The boards of supervisors shall have exclusive power to fix the salaries and compensation of all county officials not otherwise provided for by law. The board of supervisors, or in counties having county auditors, such auditors, shall adjust all claims against their respective counties; appeals may be taken from such decisions of the boards of supervisors or auditors to the circuit court in such manner as shall be prescribed by law.

#### **Power of taxation; limitation.**

Sec. 10. The board of supervisors of any county may in any 1 year levy a tax of 1/10 of 1 mill on the assessed valuation of said county for the construction or repair of public buildings or bridges, or may borrow an equal sum for such purposes; and, in any county where the assessed valuation is less than 10,000,000 dollars, the board may levy a tax or borrow for such purposes to the amount of 1,000 dollars; but no greater sum shall be raised for such purposes in any county in any 1 year, unless submitted to the electors of the county and approved by a majority of those voting thereon.

#### **Charitable institutions.**

Sec. 11. Any county in this state, either separately or in conjunction with other counties, may appropriate money for the construction and maintenance or assistance of public and charitable hospitals, sanatoria or other institutions for the treatment of persons suffering from contagious or infectious diseases. Each county may also maintain an infirmary for the care and support of its indigent poor and unfortunate, and all county poor houses shall hereafter be designated and maintained as county infirmaries.

**Indebtedness; limitation.**

Sec. 12. No county shall incur any indebtedness which shall increase its total debt beyond 3 per cent of its assessed valuation, except counties having an assessed valuation of 5,000,000 dollars or less, which counties may increase their total debt to 5 per cent of their assessed valuation.

**Removal of county seat.**

Sec. 13. No county seat once established shall be removed until the place to which it is proposed to be removed shall be designated by 2/3 of the board of supervisors of the county, and a majority of the electors voting thereon shall have voted in favor of the proposed location, in such manner as shall be prescribed by law.

**Navigable streams; permission to bridge or dam.**

Sec. 14. No navigable stream of this state shall be either bridged or damned without permission granted by the board of supervisors of the county under the provisions of law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and the municipalities therein. No such law shall preclude the state from improving the navigation of any such stream, nor prejudice the right of individuals to the free navigation thereof.

**Townships; organization and consolidation.**

Sec. 15. The board of supervisors of each organized county may organize and consolidate townships under such restrictions and limitations as shall be prescribed by law.

**Drainage district bonds.**

Sec. 15a. Any drainage district, established under provision of law, may issue bonds for drainage purposes within such district.

## TOWNSHIPS

**Townships; corporate character, suits.**

Sec. 16. Each organized township shall be a body corporate, with such powers and immunities as shall be prescribed by law. All suits and proceedings by or against a township shall be in the name thereof.

**Local legislation.**

Sec. 17. The legislature may by general law confer upon organized townships such powers of a local, legislative and administrative character, not inconsistent with the provisions of this constitution, as it may deem proper.

**Township officers.**

Sec. 18. There shall be elected on the first Monday of April in each odd numbered year for a term of 2 years in each organized township 1 supervisor, 1 township clerk, 1 commissioner of highways, 1 township treasurer, and not to exceed 4 constables, whose powers and duties shall be prescribed by law. Justices of the peace shall be re-classified as shall be prescribed by the legislature to conform with the provisions of this section providing for biennial township elections.

**Public utility franchises.**

Sec. 19. No township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless such proposition shall have first received the affirmative vote of a majority of the electors of such township voting thereon at a regular or special election.

## CITIES AND VILLAGES

**Incorporation.**

Sec. 20. The legislature shall provide by a general law for the incorporation of cities and by a general law for the incorporation of villages; such general laws shall limit their rate of taxation for municipal purposes, and restrict their powers of borrowing money and contracting debts.

**Charters; laws; ordinances.**

Sec. 21. Under such general laws, the electors of each city and village shall have power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or passed by the legislature for the government of the city

or village and, through its regularly constituted authority, to pass all laws and ordinances relating to its municipal concerns, subject to the constitution and general laws of this state.

**Power to acquire and maintain parks, hospitals, etc.**

Sec. 22. Any city or village may acquire, own, establish and maintain, either within or without its corporate limits, parks, boulevards, cemeteries, hospitals, almshouses and all works which involve the public health or safety.

**Public utilities; power to own and operate.**

Sec. 23. Subject to the provisions of this constitution, any city or village may acquire, own and operate, either within or without its corporate limits, public utilities for supplying water, light, heat, power and transportation to the municipality and the inhabitants thereof; and may also sell and deliver heat, power and light without its corporate limits to an amount not to exceed 25 per cent of that furnished by it within the corporate limits, and may also sell and deliver water outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines without the municipality within such limits as may be prescribed by law: Provided, That the right to own or operate transportation facilities shall not extend to any city or village of less than 25,000 inhabitants.

**Same; bonded indebtedness.**

Sec. 24. When a city or village is authorized to acquire or operate any public utility, it may issue mortgage bonds therefor beyond the general limit of bonded indebtedness prescribed by law: Provided, That such mortgage bonds issued beyond the general limit of bonded indebtedness prescribed by law shall not impose any liability upon such city or village, but shall be secured only upon the property and revenues of such public utility, including a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than 20 years from the date of the sale of such utility and franchise on foreclosure.

**Elective franchise; taxation; public utilities.**

Sec. 25. No city or village shall have power to abridge the right of elective franchise, to loan its credit, nor to assess, levy or collect any tax or assessment for other than a public purpose. Nor shall any city or village acquire any public utility or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless such proposition shall have first received the affirmative vote of 3/5 of the electors of such city or village voting thereon at a regular or special municipal election; and upon such proposition women taxpayers having the qualification of male electors shall be entitled to vote.

## GENERAL PROVISIONS

**Highways; powers of supervisors; county or district road system; tax limitation.**

Sec. 26. The legislature may by general law provide for the laying out, construction, improvement and maintenance of highways, bridges and culverts by the state and by the counties and townships thereof and by road districts; and may authorize counties or districts to take charge and control of any highway within their limits for such purposes. The legislature may also by general law prescribe the powers and duties of boards of supervisors in relation to highways, bridges and culverts; may provide for county and district road commissioners to be appointed or elected, with such powers and duties as may be prescribed by law; and may change and abolish the powers and duties of township commissioners and overseers of highways. The legislature may provide by law for submitting the question of adopting the county road system to the electors of the counties, and such road system shall not go into operation in any county until approved by a majority of the electors thereof voting thereon. The tax raised for road purposes by counties shall not exceed in any 1 year 5 dollars upon each 1,000 dollars of assessed valuation for the preceding year.

**Same; vacation, alteration.**

Sec. 27. The legislature shall not vacate nor alter any road laid out by commissioners of highways, or any street, alley or public ground in any city or village or in any recorded town plat.

**Highways, streets, etc.; use by utilities; control.**

Sec. 28. No person, partnership, association or corporation operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any city, village or township for wires, poles, pipes, tracks or conduits, without the consent of the duly constituted authorities of such city, village or township; nor to transact a local business therein without first obtaining a franchise therefor from such city, village or township. The right of all cities, villages and townships to the reasonable control of their streets, alleys and public places is hereby reserved to such cities, villages and townships.

**Duration of franchise.**

Sec. 29. No franchise or license shall be granted by any municipality of this state for a longer period than 30 years.

**Ports and port districts.**

Sec. 30. The legislature may provide for the incorporation of ports and port districts, and confer power and authority upon them to engage in work of internal improvements in connection therewith.

**Metropolitan districts; incorporation; purposes; powers.**

Sec. 31. The legislature shall by general law provide for the incorporation by any 2 or more cities, villages or townships, or any combination or parts of same, of metropolitan districts comprising territory within their limits, for the purpose of acquiring, owning and operating either within or without their limits as may be prescribed by law, parks or public utilities for supplying sewage disposal, drainage, water, light, power or transportation, or any combination thereof, and any such district may sell or purchase, either within or without its limits as may be prescribed by law, sewage disposal or drainage rights, water, light, power or transportation facilities. Any such districts shall have power to acquire and succeed to any or all of the rights, obligations and property of such cities, villages and townships respecting or connected with such functions or public utilities: Provided, That no city, village or township by a majority vote of the electors thereof voting on such question. Such general law shall limit the rate of taxation of such districts for their municipal purposes and restrict their powers of borrowing money and contracting debts. Under such general law, the electors of each district shall have power and authority to frame, adopt and amend its charter upon the approval thereof by a majority vote of the electors of each city, village and township, voting on such question, and, through its regularly constituted authority, to pass all laws and ordinances relating to its municipal concerns, subject to the Constitution and general laws of this State.

ARTICLE IX

IMPEACHMENTS AND REMOVALS FORM OFFICE

**Impeachments.**

Sec. 1. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office, or for crimes or misdemeanors; but a majority of the members elected shall be necessary to direct an impeachment.

**Same; prosecution.**

Sec. 2. When an impeachment is directed, the house of representatives shall elect from its own body 3 members, whose duty it shall be to prosecute such impeachment. No impeachment shall be tried until the final adjournment of the legislature, when the senate shall proceed to try the same.

**Same; trial, conviction, judgment.**

Sec. 3. Every impeachment shall be tried by the senate. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside. When an impeachment is directed, the senate shall take an oath or affirmation truly and impartially to try and determine the same according to the evidence. No person shall be convicted without the concurrence of 2/3 of the members elected. Judgment in case of impeachment shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

**Judicial officer.**

Sec. 4. No judicial officer shall exercise his office after an impeachment is directed until he is acquitted.

**Provisional appointment.**

Sec. 5. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an officer, until he shall be acquitted or until after the election and qualification of a successor.

**Removal of judge by governor.**

Sec. 6. For reasonable cause, which shall not be sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of 2/3 of the members elected to each house of the legislature; and the cause for which such removal is required shall be stated at length in such resolution.

**Removal of other state officer by governor.**

Sec. 7. The governor shall have power and it shall be his duty, except at such time as the legislature may be in session, to examine into the condition and administration of any public office and the acts of any public officer, elective or appointive; to remove from office for gross

neglect of duty or for corrupt conduct in office, or any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and report the causes of such removal to the legislature at its next session.

#### **Removal of municipal officer.**

Sec. 8. Any officer elected by a county, city, village, township or school district may be removed from office in such manner and for such cause as shall be prescribed by law.

## ARTICLE X

### FINANCE AND TAXATION

#### **Primary school interest fund.**

Sec. 1. All subjects of taxation now contributing to the primary school interest fund under present laws shall continue to contribute to that fund, and all taxes from such subjects shall be first applied in paying the interest upon the primary school, university and other educational funds in the order herein named, after which the surplus of such moneys shall be added to and become a part of the primary school interest fund.

#### **Tax for state expenses.**

Sec. 2. The legislature shall provide by law for an annual tax sufficient with other resources to pay the estimated expenses of the state government, the interest on any state debt and such deficiency as may occur in the resources.

#### **Uniform rule of taxation.**

Sec. 3. The legislature shall provide by law a uniform rule of taxation, except on property paying specific taxes, and taxes shall be levied on such property as shall be prescribed by law: Provided, That the legislature shall provide by law a uniform rule of taxation for such property as shall be assessed by a state board of assessors, and the rate of taxation on such property shall be the rate which the state board of assessors shall ascertain and determine is the average rate levied upon other property upon which ad valorem taxes are assessed for state, county, township, school and municipal purposes.

#### **Specific taxes.**

Sec. 4. The legislature may by law impose specific taxes, which shall be uniform upon the classes upon which they operate.

#### **Assessment of property of public utilities.**

Sec. 5. The legislature may provide by law for the assessment at its true cash value by a state board of assessors, of which the governor shall be ex-officio a member, of the property of corporations and the property, by whomsoever owned, operated or conducted, engaged in the business of transporting passengers and freight, transporting property by express, operating any union station or depot, transmitting messages by telephone or telegraph, loaning cars, operating refrigerator cars, fast freight lines or other car lines and running or operating cars in any manner upon railroads, or engaged in any other public service business; and for the levy and collection of taxes thereon.

#### **Laws imposing taxes.**

Sec. 6. Every law which imposes, continues or revives a tax shall distinctly state the tax, and the objects to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

#### **Assessments.**

Sec. 7. All assessments hereafter authorized shall be on property at its cash value.

#### **Equalization of assessments.**

Sec. 8. In the year 1911, every fifth year thereafter and at such other times as the legislature may direct, the legislature shall provide by law for an equalization of assessments by a state board, on all taxable property, except that taxed under laws passed pursuant to sections 4 and 5 of this article.

#### **Power of taxation, surrender by contract.**

Sec. 9. The power of taxation shall never be surrendered or suspended by any grant or contract to which the state or any municipal corporation shall be a party.

#### **Indebtedness; limitation.**

Sec. 10. The state may contract debts to meet deficits in revenue, but such debts shall not in the aggregate at any time, exceed 250,000 dollars. The state may also contract debts to repel invasion, suppress insurrection, defend the state or aid the United States in time of war. The money so raised shall be applied to the purposes for which it is raised or to the payment of the debts contracted. The state may borrow not to exceed 50,000,000 dollars for the improvement of highways and pledge its credit, and issue bonds therefor on such terms as shall be provided by law.

**Issue of scrip or other evidence of debt.**

Sec. 11. No scrip, certificate or other evidence of state indebtedness shall be issued, except for such debts as are expressly authorized in this constitution.

**State credit.**

Sec. 12. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private.

**Stock, interest of state in.**

Sec. 13. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation.

**Internal improvement.**

Sec. 14. The state shall not be a part to, nor be interested in, any work of internal improvement, nor engage in carrying on any such work, except:

1. In the development, improvement and control of or aiding in the development, improvement and control of public roads, harbors of refuge, water-ways, airways, airports, landing fields and aeronautical facilities;
2. In the development, improvement and control of or aiding in the development, improvement and control of rivers, streams, lakes and water levels, for purposes of drainage, public health, control of flood waters and soil erosion;
3. In reforestation, protection and improvement of lands in the state of Michigan;
4. In the expenditure of grants to the state of land or other property.

**State depositories.**

Sec. 15. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 per cent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

**Payments from treasury.**

Sec. 16. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

**Public moneys; statement of receipts and expenditures.**

Sec. 17. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws passed at every regular session of the legislature.

**Accounts of public officials.**

Sec. 18. The legislature shall provide by law for the keeping of accounts by all state officials, boards and institutions, and by all county officials; and shall also provide for the supervision and audit thereof by competent state authority and for uniform reports of all public accounts to such authority. Such systems of account shall provide for accurate records of all financial and other transactions and for checks upon all receipts and disbursements of all such officials, boards and institutions; and shall be uniform for all similar boards, institutions and county officials. All public accounts and the audit thereof shall be public records and open to inspection.

**Ineligibility of certain persons to public office.**

Sec. 19. No collector, holder or disburser of public moneys shall have a seat in the legislature, nor be eligible to any office of trust or profit under the state, until he shall have accounted for and paid over, as provided by law, all sums for which he may be liable.

**Railroads; acquisition and disposal by state.**

Sec. 20. It shall be competent for the state to acquire, purchase, take, hold and operate any railroad, or railroad property, belonging to any railroad or railway company in this state heretofore organized under a special charter still in force and effect and constituting a contract between the state and said company, wherein the right to purchase or acquire has been reserved to the state, whenever in the judgment of the legislature such acquisition or purchasing is necessary to protect and conserve the rights and interests of the state under such charter or contract. Any and all debts or obligations of such company constituting a lien upon such railroad, or railroad property, may be assumed by the state; and such road or property may be leased, sold or disposed of in such manner as may be provided by law.

#### **Bonus to veterans of World War I.**

Sec. 20 [a]. The state shall borrow not to exceed 30,000,000 dollars, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of paying to each person who entered into the military, naval or marine forces of the United States between April sixth, 1917, and November eleventh, 1918, and served honestly and faithfully therein during the late world war and who was a resident in this state at the time of entering such service, up to and including August first, 1919.

#### **15 mill limitation.**

Sec. 21. The total amount of taxes assessed against property for all purposes in any one year shall not exceed one and one-half per cent of the assessed valuation of said property, except taxes levied for the payment of interest and principal on obligations heretofore incurred, which sums shall be separately assessed in all cases: Provided, That this limitation may be increased for a period of not to exceed twenty years at any one time, to not more than a total of five per cent of the assessed valuation, by a majority vote of the electors of any assessing district, or when provided for by the charter of a municipal corporation: Provided further, That this limitation shall not apply to taxes levied in the year 1932.

#### **Gases and weight taxes.**

Sec. 22. All taxes imposed directly or indirectly upon gasoline and like fuels sold or used to propel motor vehicles upon the highways of this state, and on all motor vehicles registered in this state, shall, after the payment of the necessary expenses of collection thereof, be used exclusively for highway purposes, including the payment of public debts incurred therefor, and shall not be diverted nor appropriated to any other purpose; provided, the legislature may provide by law a method of licensing, and regulating motor vehicle dealers and operators; and may prescribe charges sufficient to pay for the enforcement thereof. The provisions of this section shall not apply to the general sales tax, the use tax, the fees and taxes collected under the auto theft and operators; and chauffeurs' license laws which are used for regulatory purposes; the application fees and mileage fees appreciated to the Michigan public utilities commission by Act. No. 254 of 1933; the franchise or privilege fees payable generally by manufacturers, refiners, importers, storage companies, and wholesale distributors on gasoline and like fuels held in stock or bond, and by manufacturers and dealers on motor vehicles in stock or bond.

#### **State sales tax, distribution; annual school grants.**

Sec. 23. There shall be returned to the local government units by the method hereinafter set forth, 1/2 cent of a state sales tax levy on each dollar of sales of tangible personal property on the 1946 statutory base (not rate). The state disbursing authority shall remit to counties as a whole on a population basis and payment shall be made to the county treasurer who shall remit to the respective cities, townships and villages within the county on a per capita basis. Population computation shall be based on last and each succeeding state-wide federal census for purposes of division among counties and upon the same basis or upon any special federal county-wide census, whichever is later, for intra-county division purposes. There shall be excluded from such computation 50% of the total number of persons who are wards, patients or convicts committed to or domiciled in any city institution located outside the boundaries of said city or committed to or domiciled in any county, state or federal tax supported institution, provided such persons were included in said federal census. All remittances provided shall be made on a quarterly basis.

There shall be set aside for the school districts 2 cents of a state tax levy on each dollar of sales of tangible personal property on the 1946 statutory base (not rate), to be allocated among said school districts by law. Such taxes so collected shall be deposited in a special school aid fund and be expendable only by legislative appropriations for aid to the school districts and school employees' retirement purposes as shall be provided by law. Said school aid fund shall be separate and distinct from the state general fund.

Prior to any division or allocation of the sales tax, the cost of collection as determined by the department of revenue shall be deducted from total collections and credited to the general fund of the state.

The legislature shall by law appropriate from the school aid fund for such public school employees' retirement systems as shall from time to time be in effect under the laws of this state an amount which shall not be less than 5% nor more than 7 1/2% of the salaries of school district employees participating in the respective retirement systems. Such percentages shall apply only to that portion of salary as may be provided by law. At no time shall the legislature levy a sales tax of more than 4%.

#### **Military service bonus.**

Sec. 23[a]. The state shall borrow not to exceed \$270,000,000.00, pledge its faith and credit and issue its serial notes or serial bonds therefor, for their purpose of paying to each person, or if deceased to the surviving dependent mother, father, person standing in loco parentis, brothers and sisters, in the order named, of any person who served in the military, naval, marine or coast guard forces of the United States, including women serving in auxiliary branches thereof, between September 16, 1940, and June 30, 1946, who served honorably and faithfully therein during said period, who was a resident of this state at the time of entering such service and for a period of at least 6 months prior to entering therein, and whose service continued for more than 60 days during said period, the sum of \$10.00 for each month, or major fraction thereof, of service during said period in any state of the United States, and the District of Columbia, and the sum of \$15.00 for each month, or major fraction thereof, of service during said period outside any state of the United States, and the District of Columbia, but not to exceed a total payment of \$500.00 to any one person: Provided, That there shall be paid to the surviving husband or wife, child or children, or to the surviving dependent mother, father, person standing in loco parentis, brothers and sisters, in the order named, of each person who has heretofore died or who shall hereafter die from service connected causes incurred between September 16, 1940, and June 30, 1946, a sum equal to the difference between what he has received and the sum of \$500.00

The legislature is authorized and directed to provide for the issuance of serial notes or serial bonds, for the method of and eligibility for payment of the sums herein directed and for the retirement of such notes and bonds as shall be issued hereunder. The legislature is authorized and directed to provide for the borrowing of the money herein provided at the lowest possible cost to the state, and is further authorized and directed to provide by taxation or other means for the retirement of the debt at the earliest possible time. In the event that the cost of the payments herein provided shall be greater than the amount authorized to be borrowed, the legislature is authorized and directed to provide for the payment thereof from the general fund of the state.

#### **Borrowing for hospital construction; bonds.**

Sec. 24. The state may borrow not to exceed \$65,000,000.00 to plan, acquire, construct and equip hospitals for the mentally ill and epileptics, and training schools for mental defectives and the tuberculosis hospitals and issue bonds pledging the full faith and credit of the state, on such terms as shall be provided by law.

#### **Death benefit bonus; termination of national emergency.**

Sec. 25. There shall be paid, from the moneys authorized to be borrowed under the provisions of section 23 of this article for the payment of a bonus with respect to military service, to the surviving husband or wife, child or children, or to the surviving mother or father, or surviving dependent person standing in loco parentis, dependent brothers and dependent sisters, in the order named, of any person who has heretofore died or who shall hereafter die from service connected causes and who served in the military, naval, marine or coast guard forces of the United States, including women serving in auxiliary branches thereof, between June 27, 1950, and the termination of the state of the national emergency, which state of national emergency was proclaimed on December 16, 1950, who served honorably and faithfully therein during such period, who was a resident of this state at the time of entering such service and for a period of at least 6 months prior to entering therein, the sum of \$500.00: Provided, That the termination of the national emergency for the purpose of this section shall be determined by act of the legislature of this state, and the liability of the state for the purposes herein set forth shall not exceed the total amount that may be borrowed under the provisions of said section 23 of this article.

#### **Military service bonus.**

Sec. 26. The state shall borrow not to exceed \$80,000,000.00, pledge its faith and credit and issue its serial notes or serial bonds therefor, with maturities of not to exceed \$1,000,000.00 in each of the years 1956 to 1965, both inclusive, and \$13,000,000,000.00 in each of the years 1966 to 1968, both inclusive, and \$14,000,000.00 in each of the years thereafter, for the purpose of paying to each person, or if deceased to the surviving husband or wife, child or children, or to the surviving mother, father, person standing in loco parentis, brothers and sisters, in the order named, of any person who served in the military, naval, marine or coast guard forces of the United States, including women serving in auxiliary branches thereof, between June 27, 1950, and December 31, 1953, who served honorably and faithfully therein, and whose service continued for more than 60 days during said period, the sum of \$10.00 for each month, or major fraction thereof, of service during said period in any state of the United States, and the District of Columbia, and of \$15.00 for each month, or major fraction thereof, of service during said period outside any state of the United States, and the District of Columbia, but not to exceed a total payment of \$500.00 to any one person: Provided, That there shall be paid to the surviving husband or wife, child or children, or to the surviving dependent mother, father, person standing in loco parentis, brothers and sisters, in the order named, of each person who has heretofore died or who shall hereafter die from service connected causes incurred between June 27, 1950, and December 31, 1953, a sum equal to the difference between what he has received and the sum of \$500.00: Provided further, That no payment shall be made under the provisions of this section in any case in which payment has been made or shall hereafter be made under the provisions of section 25 of this article, payment both under the provisions of this section and section 25 of this article being expressly prohibited.

The state administrative board is authorized and directed to provide by resolution from time to time for the issuance and sale of serial notes or serial bonds at the lowest possible cost, and the legislature is authorized to provide for the method of and eligibility for payment of the sums herein directed. For the retirement of such notes and bonds as shall be issued hereunder, there is appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each such year. The powers and duties conferred by this amendment on the state administrative board are self-executing.

### **Borrowing for loans to school districts.**

Sec. 27. The state may borrow from time to time such amounts as may be required but not to exceed an aggregate of \$100,000,000.00, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts for the payment of principal and interest on school bonds heretofore or hereafter issued for acquiring, constructing, enlarging, improving and equipping school buildings and sites and for the funding or refunding of obligations incurred for 1 or more of the aforesaid purposes.

If the minimum amount necessary to be levied in any calendar year for the payment of principal and interest on the bonds of a school district issued prior to July 1, 1962, after deducting any funds pledged to and available for the payment thereof, shall exceed 13 mills on each dollar of its assessed valuation as last equalized by the state, then the state of Michigan shall loan such school district the amount of such excess, but all loans so made shall not exceed in the aggregate sum of \$100,000,000.00 and shall be subject to such terms and conditions as shall be prescribed by law. After a school district shall have received a loan or loans from the state, it shall thereafter levy each year not less than the said 13 mills until the amount loaned has been repaid and any tax interest shall be used towards the repayment of such loan or loans. The legislature shall prescribe the conditions upon which levies for bond principal and interest shall be included in computing the amount to be loaned by the state under this section, one of which conditions shall be that the maturities on the bonds on any future issue shall conform with statutory requirements, with the last maturity date not less than 25 years from the issuance date on the bonds.

The tax limitation prescribed in section 21 of this article shall not apply to tax levies for any future issue of school district bonds issued prior to July 1, 1962, including refunding bonds, and such tax levies shall be without limitation as to rate or amount: Provided, That the bonds of such issue last maturing shall be due in not less than 25 years from date of issuance but may be subject to prior redemption in accordance with the provisions thereof.

### **Borrowing for additional loans to school districts.**

Sec. 28. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which it would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 23 mills on each dollar of its assessed valuation as last equalized by the state, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall loan the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall loan to it any amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued (1) prior to May 4, 1955, (2) on or after May 4, 1955 but prior to July 1, 1962, but prior to July 1, 1972, if such bonds shall be qualified as provided by law pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used towards the repayment of state loans. In any year when such a levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and/or limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made pursuant to this section, shall be without limitation as to rate or amount.

All rights acquired under section 27 of this article by holders of bonds issued prior to July 1, 1962, shall remain unimpaired.

This section shall take effect on July 1, 1962.

## ARTICLE XI

### EDUCATION

### **Encouragement of education.**

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

**Superintendent of public instruction; election; term; duties; compensation.**

Sec. 2. A superintendent of public instruction shall be elected at the regular election to be held on the first Monday in April, nineteen hundred nine, and every second year thereafter. He shall hold office for a period of two years from the first day of July following his election and until his successor is elected and qualified. He shall have general supervision of public instruction in the state. He shall be a member and secretary of the state board of education. He shall be ex-officio a member of all other boards having control of public instruction in any state institution, with the right to speak but not to vote. His duties and compensation shall be prescribed by law.

**Regents of university; election, term, vacancy.**

Sec. 3. There shall be a board of regents of the university, consisting of 8 members, who shall hold the office for 8 years. There shall be elected at each regular biennial spring election 2 members of such board. When a vacancy shall occur in the office of regent it shall be filled by appointment of the governor.

**Same; name.**

Sec. 4. The regents of the university and their successors in office shall continue to constitute the body corporate known as the "Regents of the University of Michigan."

**University; president; supervision.**

Sec. 5. The regents of the university shall, as often as necessary, elect a president of the university. The president of the university and the superintendent of public instruction shall be ex-officio members of the board of regents, with the privilege of speaking but not of voting. The president shall preside at the meetings of the board and be the principal executive officer of the university. The board of regents shall have the general supervision of the university and the direction and control of all expenditures from the university funds.

**State board of education; election; powers and duties.**

Sec. 6. The state board of education shall consist of 4 members. On the first Monday in April, 1909, and at each succeeding biennial spring election, there shall be elected 1 member of such board who shall hold his office for 6 years from the first day of July following his election. The state board of education shall have general supervision of the state normal college and the state normal schools, and the duties of said board shall be prescribed by law.

**Michigan state university board of trustees; election, term.**

Sec. 7. There shall be elected on the first Monday in April, 1909, a board of trustees to consist of 6 members, 2 of whom shall hold the office for 2 years, 2 for 4 years and 2 for 6 years. At every regular biennial spring election thereafter, there shall be elected 2 members whose term of office shall be 6 years. The members thus elected and their successors in office shall be a body corporate to be known as "The board of trustees of Michigan state university of agriculture and applied science." The board of trustees shall be the successor in interest to all the rights, powers, assets and liabilities of the state board of agriculture.

**President of Michigan state university; duties of board of trustees.**

Sec. 8. The board of trustees shall, as often as necessary, elect a president of Michigan state university, who shall be ex-officio a member of the board with the privilege of speaking but not of voting. He shall preside at the meetings of the board and be the principal executive officer of Michigan state university. The board shall have the general supervision of Michigan state university, and the direction and control of all Michigan state university funds; and shall perform such other duties as may be prescribed by law.

**Primary school system.**

Sec. 9. The legislature shall continue a system of primary schools, whereby every school district in the state shall provide for the education of its pupils without charge for tuition; and all instruction in such schools shall be conducted in the English language. If any school district shall neglect to maintain a school within its borders as prescribed by law for at least 5 months in each year, or to provide for the education of its pupils in another district or districts for an equal period, it shall be deprived for the ensuing year of its proportion of the primary school interest fund. If any school district shall, on the second Monday in July of any year, have on hand a sufficient amount of money in the primary school interest fund to pay its teachers for the next ensuing 2 years as determined from the pay roll of said district for the last school year, and in case of a primary district, all tuition for the next ensuing 2 years, based upon the then enrollment in the seventh and eighth grades in said school district, the children in said district shall not be counted in making the next apportionment of primary school money by the superintendent of public instruction; nor shall such children be counted in making such apportionment until the amount of money in the primary school interest fund in said district shall be insufficient to pay teachers' wages or tuition as herein set forth for the next ensuing 2 years.

### **Education institutions; maintenance.**

Sec. 10. The legislature shall maintain the university, the college of mines, the state agricultural college, the state normal college and such state normal schools and other educational institutions as may be established by law.

### **Proceeds of school land.**

Sec. 11. The proceeds from the sales of all lands that have been or hereafter may be granted by the United States to the state for educational purposes and the proceeds of all lands or other property given by individuals or appropriated by the state for like purposes shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant or appropriation.

### **Escheats.**

Sec. 12. All lands, the titles to which shall fail from a defect of heirs, shall escheat to the state, and the interest on the clear proceeds from the sales thereof shall be appropriated exclusively to the support of the primary schools.

### **Salt spring lands; sale for benefit of agricultural college.**

Sec. 13. The legislature shall appropriate all salt spring lands now unappropriated, or the money arising from the sale of the same, where such lands have already been sold, and any funds or lands which may hereafter be granted or appropriated for such purpose, for the support and maintenance of the agricultural college.

### **Township and city libraries; fines.**

Sec. 14. The legislature shall provide by law for the establishment of at least 1 library in each township and city; and all fines assessed and collected in the several counties, cities and townships for any breach of the penal laws shall be exclusively applied to the support of such libraries.

### **Charitable institutions.**

Sec. 15. Institutions for the benefit of those inhabitants who are deaf, dumb, blind, feeble-minded or insane shall always be fostered and supported.

### **Wayne state university board of governors; election, term, president, duties, accounting.**

Sec. 16. There shall be a board of governors of Wayne state university, consisting of 6 members, who shall hold office for 6 years. There shall be elected at each regular biennial spring election 2 members of such board. When a vacancy occurs in the board of governors, it shall be filled by appointment of the governor. The board of governors of Wayne state university and their successors in office shall continue to constitute the body corporate known as "the board of governors of Wayne state university." The board of governors shall, as often as necessary, elect a president of Wayne state university. The president and the superintendent of public instruction shall be ex officio members of the board of governors, with the privilege of speaking but not of voting. The president shall preside at the meetings of the board and be the principal executive officer of Wayne state university. The board of governors of Wayne state university shall have general supervision of Wayne state university and the duties of said board shall be prescribed by law. The legislature shall be given an annual detailed accounting of all income from whatever source derived and all expenditures by Wayne state university.

## **ARTICLE XII**

### **CORPORATIONS**

### **Corporation; creation; amendment or repeal of laws.**

Sec. 1. Corporations may be formed under general laws, but shall not be created, nor shall any rights, privileges or franchises be conferred upon them, by special act of the legislature. All laws heretofore or hereafter passed by the legislature for the formation of, or conferring rights, privileges or franchises conferred by such laws may be amended, altered, repealed or abrogated.

### **Same; construction of term, suits.**

Sec. 2. The term "corporation" as used in this article shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. All corporations shall have the right to sue and be subject to be sued in all courts in like cases as natural persons.

### **Duration of franchise; extension of corporate life.**

Sec. 3. No corporation shall be created for a longer period than 30 years, except for municipal, railroad, insurance, canal or cemetery purposes, or corporations organized without any capital stock for religious, benevolent, social or fraternal purposes; but the legislature may provide by general laws, applicable to any corporations, for 1 or more extensions of the term of such corporations, while such term is running, not exceeding 30 years for each extension, on the consent of not less than 2/3 of the capital stock of the corporation; and by like general laws for the corporate reorganization for a further period, not exceeding 30 years, of such corporations whose terms have expired by limitation, on the consent of not less than 4/5 of the capital stock.

#### **Liability of stockholders.**

Sec. 4. The stockholders of every corporation and joint stock association shall be individually liable for all labor performed for such corporation or association.

#### **Real estate, limitation of time of holding.**

Sec. 5. No corporation shall hold any real estate for a longer period than 10 years, except such real estate as shall be actually occupied by such corporation in the exercise of its franchises.

#### **Special act of incorporation; extension.**

Sec. 6. The legislature shall pass no law renewing or extending any special act of incorporation heretofore granted.

#### **Passenger fares and freight rates.**

Sec. 7. The legislature may, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on different railroads in this state, and may pass laws establishing reasonable maximum rates of charges for the transportation of property by express companies in this state, and may delegate such power to fix reasonable maximum rates of charges for the transportation of freight by railroad companies and for the transportation of property by express companies to a commission created by law; and shall prohibit running contracts between such railroad companies whereby discrimination is made in favor of either of such companies as against other companies owning connecting or intersecting lines of railroad.

#### **Consolidation of railroads.**

Sec. 8. No railroad corporation shall consolidate its stock, property or franchise with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon at least 60 days' public notice to all stockholders in such manner as shall be provided by law.

#### **Banking and trust company laws.**

Sec. 9. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business, thereof, shall be adopted, amended or repealed except by a vote of 2/3 of the members elected to each house of the legislature. Such laws shall not authorize the issue of bank notes or paper credit to circulate money.

### **ARTICLE XIII**

#### **EMINENT DOMAIN**

#### **Taking of property; necessity; compensation.**

Sec. 1. Private property shall not be taken by the public nor by any corporation for public use, without the necessity therefor being first determined and just compensation therefor being first made or secured in such manner as shall be prescribed by law.

#### **Determination of necessity and compensation.**

Sec. 2. When private property is taken for the use or benefit of the public, the necessity for using such property and the just compensation to be made therefor, except when to be made by the state, shall be ascertained by a jury of 12 freeholders residing in the vicinity of such property, or by not less than 3 commissioners appointed by a court of record, as shall be prescribed by law: Provided, That the foregoing provision shall not be construed to apply to the action of commissioners of highways or road commissioners in the official discharge of their duties.

#### **Private roads.**

Sec. 3. Private roads may be opened in the manner prescribed by law; but in every case the necessity for the road and the amount of all damages to be sustained by the opening thereof shall be first determined by a jury of 6 freeholders or by not less than 3 commissioners, and such amount, together with the expense of proceedings, shall be paid by the person or persons to be benefited.

**Regents of university; power of eminent domain.**

Sec. 4. The regents of the university of Michigan shall have power to take private property for the use of the university, in the manner prescribed by law.

**Municipality; eminent domain for boulevards, streets and alleys.**

Sec. 5. In exercising the powers of eminent domain and in taking the fee of land and property that is needed for the acquiring, opening and widening of the boulevards, streets and alleys, municipalities shall not be limited to the acquisition of the land to be covered by the proposed improvement, but may take such other land and property adjacent to the proposed improvement as may be appropriate to secure the greatest degree of public advantage from such improvement. After so much of the land and property have been appropriated for any such needed public purpose, the remainder may be sold or leased with or without such restrictions as may be appropriate to the improvement made. Bonds may be issued to supply the funds to pay in whole or in part for the property so appropriated, but such bonds shall be a lien only on the property so acquired and they shall not be included in any limitation of the bonded indebtedness of such municipality.

**ARTICLE XIV****EXEMPTIONS****Personal property exemptions.**

Sec. 1. The personal property of every resident of this state, to consist of such property only as shall be designated by law, shall be exempted to the amount of not less than 500 dollars from sale on execution or other final process of any court.

**Homestead exemptions.**

Sec. 2. Every homestead of not exceeding 40 acres of land and the dwelling house thereon and the appurtenances to be selected by the owner, any lot in any city, village or recorded town plat, or such parts of lots as shall be equal thereto, and the dwelling house thereon and its appurtenances, owned and occupied by any resident of the state, not exceeding in value \$2,500.00 shall be exempt from forced sale on execution or any other final process from a court. Such exemption shall not extend to any mortgage thereon lawfully obtained, but such mortgage or other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of his wife to the same: Provided, That, notwithstanding anything in this section to the contrary, such mortgage or other alienation of such land shall be valid without the signature of said wife, after 25 years unless within said 25 years from the date of the recording thereof in the office of the register of deeds of the county or counties wherein the property is located, there is filed in said office notice of claim of the invalidity of such mortgage or alienation under this section, excepting that in case of every mortgage or alienation recorded prior to January 1, 1920, said notice of claim may be filed prior to January 1, 1950.

**Same; effect of death of owner.**

Sec. 3. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of his debts in all cases during the minority of his children.

**Same; death without surviving children.**

Sec. 4. If the owner of a homestead die, leaving a widow but no children, such homestead shall be exempt, and the rents and profits thereof shall accrue to her benefit during the time of her widowhood, unless she be the owner of a homestead of her own right.

**ARTICLE XV****MILITIA****Militia; membership.**

Sec. 1. The militia shall be composed of all able-bodied male citizens between the ages of 18 and 45 years, except such as are exempted by the laws of the United States or of this state; but all such citizens of any religious denomination, who, from scruples of conscience, may be averse to bearing arms, shall be excused therefrom upon such conditions as shall be prescribed by law.

**Same; organization.**

Sec. 2. The legislature shall provide by law for organizing, equipping and disciplining the militia in such manner as it shall deem expedient, not incompatible with the laws of the United States.

**Same; officers.**

Sec. 3. Officers of the militia shall be elected or appointed and be commissioned in such manner as may be prescribed by law.

## ARTICLE XVI

### MISCELLANEOUS PROVISIONS

#### **Terms of public officers; commencement.**

Sec. 1. The terms of office of all elective state officers and of all judges of courts of record shall begin on the first day of January next succeeding their election, except as otherwise prescribed in this constitution. The terms of office of all county officers shall begin on the first day of January next succeeding their election, except as otherwise prescribed by law.

#### **Oath of office.**

Sec. 2. Members of the legislature and all officers, executive and judicial, except such officers as may by law be exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of ..... according to the best of my ability." No other oath, declaration or test shall be required as a qualification for any office or public trust.

#### **Extra compensation; increase or decrease of salaries.**

Sec. 3. Neither the legislature nor any municipal authority shall grant or authorize extra compensation to any public officer, agent, employee or contractor after the service has been rendered or the contract entered into. Salaries of public officers, except circuit judges, shall not be increased, nor shall the salary of any public officer be decreased after election or appointment.

#### **The vote.**

Sec. 4. In all cases of tie vote or contested election for any state office, except member of the legislature, any recount or other determination thereof may be conducted by the board of state canvassers under such laws as the legislature may prescribe.

#### **Vacancies in office; continuity of government in emergencies.**

Sec. 5. The legislature may provide by law the cases in which any office shall be deemed vacant and the manner of filling vacancies, where no provision is made in the constitution.

The legislature, in addition to and not in the derogation of the power heretofore conferred in section 5 of this article XVL, in order to insure continuity of state and local governmental operations in periods of emergency only resulting from disasters occurring in this state caused by enemy attack on the United States shall have the power for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this amendment elections shall always be called as soon as possible to fill any elective vacancies in any office temporarily occupied by operation of any legislation enacted pursuant to the provision of this paragraph.

#### **Laws, records, and proceedings; use of English language.**

Sec. 6. The laws, public records and the written judicial and legislative proceedings of the state shall be conducted, promulgated and preserved in the English language.

#### **Courts of conciliation.**

Sec. 7. The legislature may establish courts of conciliation with such powers and duties as shall be prescribed by law.

#### **Estates of married women.**

Sec. 8. The real and personal estate of every woman, acquired before marriage, and all property to which she may afterwards become entitled by gift, grant, inheritance or devise shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations, or engagements of her husband, and may be devised or bequeathed by her as if she were unmarried.

#### **Aliens; property rights.**

Sec. 9. Aliens, who are or who may hereafter become bona fide residents of this state, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property as native born citizens.

#### **Agricultural land leases.**

Sec. 10. No lease or grant of agricultural land for agricultural purposes for a longer period than 12 years, reserving any rent or service of any kind, shall be valid.

**Liquor control; excise tax.**

Sec. 11. The legislature may by law establish a liquor control commission, who, subject to statutory limitations, shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof; and the legislature may also provide for an excise tax on such sales: Providing, however, that neither the legislature nor such commission may authorize the manufacture or sale of alcoholic beverages in any county in which the electors thereof, by a majority vote, shall prohibit the same.

ARTICLE XVII

AMENDMENT AND REVISION

**Amendment to constitution; proposal by legislature; submission to electors.**

Sec. 1. Any amendment or amendments to this constitution may be proposed in the senate or house of representatives. If the same shall be agreed to by 2/3 of the members elected to each house, such amendment or amendments shall be entered on the journals, respectively, with the yeas and nays taken thereon; and the same shall be submitted to the electors at the next spring or autumn election thereafter, as the legislature shall direct; and, if a majority of electors qualified to vote for members of the legislature voting thereon shall ratify and approve such amendment or amendments, the same shall become part of the constitution.

**Same; initiative; referendum.**

Sec. 2. Amendments may also be proposed to this constitution by petition of the qualified and registered electors of this state. Every such petition shall include the full text of the amendment so proposed, and be signed by qualified and registered electors of the state equal in number to not less than ten per cent of the total vote cast for all candidates for governor at the last preceding general election, at which a governor was elected. Petitions of qualified and registered electors proposing an amendment to this constitution shall be filed with the secretary of state or such other person or persons hereafter authorized by law to receive same at least 4 months before the election at which such proposed amendment is to be voted upon. The legislature may prescribe penalties for causing or aiding and abetting in causing any fictitious or forged name to be affixed to any petition, or for knowingly causing petitions bearing fictitious or forged names to be circulated. Upon receipt of said petition the secretary of state or other person or persons hereafter authorized by law shall canvass the same to ascertain if such a petition has been signed by the requisite number of qualified and registered electors, and may in determining the validity thereof, cause any doubtful signatures to be checked against the registration records by the clerk of any political subdivision in which said petitions were circulated, for properly determining the authenticity of such signatures. If the secretary of state or other person or persons hereafter authorized by law to receive and canvass same determines the petition is legal and in proper form and has been signed by the required number of qualified and registered electors, the proposed amendment shall be submitted to the electors at the next regular election at which any state officer is to be elected. An official declaration of the sufficiency or insufficiency of the petition shall be made by the secretary of state or such other person or persons as shall hereafter be authorized at least 2 months prior to such election. Any constitutional amendment initiated by the people as herein provided, shall take effect and become a part of the constitution if the same shall be approved by the number of qualified electors required in section 1 hereof for the approval of the amendments proposed by the legislature, and not otherwise. Every amendment shall take effect 30 days after the election at which it is approved. The secretary of state or such other person or persons as may be hereafter authorized by law shall submit all proposed amendments to the constitution initiated by the people for the adoption or rejection in compliance herewith. The petition shall consist of sheets in such form and having printed or written at the top thereof such heading as shall be designated or prescribed by the secretary of state, or such other person or persons hereafter authorized by law to receive, canvass and check the same. Such petition shall be signed by qualified and registered electors in person only with the residence address of such persons, showing street names and also residence numbers in cities and villages having street numbers, and the date of signing the same. To each of such petitions, which may consist of 1 or more sheets, shall be attached the affidavit of the qualified and registered elector circulating the same, who shall be required to identify himself by affixing his address below his signature, stating that each signature thereto was signed in the presence of such qualified and registered elector and is the genuine signature of the person signing the same, and that to the best knowledge and belief of the affiant each person signing the petition was at the time of signing a qualified and registered elector.

**Same; publication; posting; ballots.**

Sec. 3. All proposed amendments to the constitution and other questions to be submitted to the electors shall be published in full, with any existing provisions of the constitution which would be altered or abrogated thereby, and a copy thereof shall be posted in each polling place. The purpose of any such proposed amendment or question shall be designated on the ballots for submission to the electors in not more than 100 words, exclusive of caption. Such designation and caption shall be prepared by the secretary of state or by such other authority as shall be hereafter designated by law within ten days after the filing of any proposal and shall consist of a true and impartial statement of the purpose of the amendment or question in such language as shall create no prejudice for or against such proposal.

**General revision; convention; procedure.**

Sec. 4. At the biennial spring election to be held in the year 1961, in each sixteenth year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors qualified to vote for members of the legislature. In case a majority of the electors voting on the question shall decide in favor of a convention for such purpose, at an election to be held not later than 4 months after the proposal shall have been certified as approved, the electors of each house of representatives district as then organized shall elect 1 delegate for each state representative to which the district is entitled and the electors of each senatorial district as then organized shall elect 1 delegate for each state senator to which the district is entitled. The delegates so elected shall convene at the capital city on the first Tuesday in October next succeeding such election, and shall continue their sessions until the business of the convention shall be completed. A majority of the delegates elected shall constitute a quorum for the transaction of business. The convention shall choose its own officers, determine the rules of its proceedings and judge of the qualifications, elections and returns of its members. In case of a vacancy by death, resignation or otherwise, of any delegate, such vacancy shall be filled by appointment by the governor of a qualified resident of the same district. The convention shall have power to appoint such officers, employees and assistants as it may deem necessary and to fix their compensation, and to provide for the printing and distribution of its documents, journals and proceedings. Each delegate shall receive for his services the sum of 1,000 dollars and the same mileage as shall then be payable to members of the legislature, but such compensation may be increased by law. No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to the convention, the yeas and nays being entered on the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner provided by such convention on the first Monday in April following the final adjournment of the convention; but, in case an interval of at least 90 days shall not intervene between such final adjournment and the date of such election, then it shall be submitted at the next general election. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon such constitution or amendments shall take effect on the first day of January following the approval thereof.

## SCHEDULE

That no inconvenience may arise from the changes in the constitution of this state, and in order to carry the same into complete operation, it is hereby declared that:

### **Common law; existing statutes.**

Sec. 1. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are altered or repealed.

### **Continuance of public and private rights; jurisdiction of courts.**

Sec. 2. All writs, actions, causes of action, prosecutions and rights of individuals, and of bodies corporate, and of the state, and all charters of incorporation which shall not have been heretofore forfeited or become subject to forfeiture shall continue; and all complaints, informations or indictments which shall continue; and all which may hereafter be made, filed or found for any crime or offense committed before the adoption of this constitution, may be proceeded upon as if no change had taken place. The several courts shall continue with the same powers and jurisdiction, both at law, and in equity, as heretofore, until otherwise provided by law.

### **Moneys or property due the state or municipal corporation.**

Sec. 3. All fines, taxes, penalties, forfeitures and escheats, accruing to the state or any municipal corporation under the existing constitution and laws, shall accrue to the use of the state or such municipal corporation under this constitution.

### **Recognizances, bonds and obligations; crimes.**

Sec. 4. All recognizances, bonds, obligations and all other instruments entered into or executed before the adoption of this constitution to the people of this state, or to any municipal corporation, or to any public officer or public body, or which may be entered into or executed under existing laws to the people of this state or to any such officer or public body shall remain binding and valid, and rights and liabilities upon the same shall continue and may be prosecuted as provided by law. And all crimes and misdemeanors and penal actions shall be prosecuted, tried and punished as though no change had taken place, until otherwise provided by law.

### **Officers, continuance in office.**

Sec. 5. All officers, civil and military, now holding any office or appointment, shall continue to hold their respective offices, unless removed by competent authority, until superseded under the laws now in force or under this constitution.

### **Same; time of taking office.**

Sec. 6. All officers elected under the existing constitution and laws on the Tuesday after the first Monday of November, 1908, shall take office on and after the first day of January 1909, under this constitution.

### **Same; salaries.**

Sec. 7. Until otherwise provided, the salaries or compensation of all public officers shall continue as provided under the existing constitution and laws.

**Attorney general; report to legislature.**

Sec. 8. The attorney general of the state shall prepare and report to the legislature at the commencement of the next session such changes in existing laws as may be deemed necessary to adapt the same to this constitution.

**Representation of certain territory.**

Sec. 9. Any territory attached or that may be attached to any county for judicial purposes, if not otherwise represented, shall be considered as forming a part of such county, so far as regards elections for the purpose of representation.

**Submission of constitution; duty of secretary of state.**

Sec. 10. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1908. It shall be the duty of the secretary of state to forthwith give notice of such submission to the sheriffs of the several counties, and it shall also be the duty of the secretary of state and all other officers required to give or publish any notice in regard to said election, to give notice as provided by law in case of an election for governor, that this constitution will be duly submitted to the electors at said election.

**Same; qualifications of voters; ballots; effective date.**

Sec. 11. Every person entitled to vote for members of the legislature under the existing constitution and laws may vote on said adoption or rejection, and the board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office the words "Adoption of the Revised Constitution [ ] Yes." "Adoption of the Revised Constitution [ ] No." All votes cast at said election of state officers shall be taken, counted, canvassed and returned as provided by law for the election of state officers. Should the revised constitution so submitted receive more votes in its favor than shall be cast against it, it shall be the supreme law of the state on and after the first day of January, 1909, except as herein otherwise provided; otherwise it shall be rejected.

Adopted by the Constitutional Convention of 1907 at the capitol at Lansing on the twenty-first day of February, 1908.

Paul H. King,

Secretary. John J. Carton

President